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Health And Welfare Trust Fund for Northern California, et al.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OPERATING ENGINEERS' HEALTH AND
WELFARE TRUST FUND FOR NORTHERN
CALIFORNIA, et al.,

Plaintiffs,

v.

SCAFANI ENGINEERING & CONSTRUCTION,
INC., a California Corporation; and THOMAS JAMES
SCAFANI, an individual,

Defendants.

Case No.: 4:19-cv-07548-HSG

**JOINT REQUEST TO CONTINUE
CASE MANAGEMENT CONFERENCE;
~~PROPOSED~~ ORDER THEREON**

Date: April 28, 2020

Time: 2:00 p.m.

Ctrm: Telephonic

Judge: Hon. Haywood S. Gilliam, Jr.

The Parties to this action respectfully request that the Case Management Conference, currently on calendar for April 28, 2020, be continued for approximately thirty (30) days. Good cause exists for the granting of the continuance, as follows:

1. This action was filed on November 18, 2019 (Dkt. #1) arising out of Defendants Scafani Engineering & Construction, Inc. and Thomas James Scafani's failure to comply with Plaintiffs' request for a payroll audit for the period from January 1, 2013 through December 31, 2017.

2. Defendants filed their Answer to the Complaint on December 23, 2019 (Dkt. #13).

3. The Parties had their initial meet and confer telephone conferences pursuant to Federal Rules of Civil Procedure, Rule 26(f) and ADR Local Rule 3-5. Defendants contend that they did not receive the audit requests prior to the commencement of the lawsuit, and are now complying. The audit

was conducted, and the final report issued and provided to Defendants. The Parties have reached a settlement subject to Defendants' settlement check clearing the bank.

4. There are no issues that need to be addressed by the parties at the currently scheduled Case Management Conference. In the interest of conserving costs as well as the Court's time and resources, the parties jointly request that the Court continue the Case Management Conference set for April 28, 2020 for approximately thirty (30) days to permit sufficient time for the parties to resolve their dispute.

Respectfully submitted,

DATED: April 21, 2020

SALTZMAN & JOHNSON LAW CORPORATION

By: /s/ Tino X. Do

Tino X. Do
Attorneys for Plaintiffs

DATED: April 21, 2020

SIMPSON, GARRITY, INNES & JACUZZI

By: /s/ Paul V. Simpson

Paul V. Simpson
Attorneys for Defendants

IT IS SO ORDERED.

The currently set Case Management Conference is hereby continued to June 2, 2020 at 2:00 p.m., and all previously set deadlines and dates related to this case are continued accordingly.

DATED: 4/23/2020


U.S. DISTRICT COURT JUDGE HAYWOOD S. GILLIAM JR.